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*Attorneys for Lead Plaintiff Khaled Khalafallah*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DYNAVAX SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. CV 13 2796 CRB

**STIPULATED REQUEST AND ORDER TO  
AMEND THE AMENDED CONSOLIDATED  
CLASS ACTION COMPLAINT AND TO SET A  
BRIEFING SCHEDULE**

Pursuant to Civil Local Rules 6-2 and 7-7(b)(2), Lead Plaintiff Khaled Khalafallah (“Lead Plaintiff”) and Defendants Dynavax Technologies Corporation, Dino Dina, Mark Kessel, J. Tyler Martin, Symphony Capital Partners, L.P., Symphony Capital GP, L.P., Symphony GP, LLC, and Symphony Strategic Partners, LLC (together, the “Parties”), by and through their undersigned counsel, respectfully stipulate and agree, subject to Court approval, to permit Lead Plaintiff to amend his Amended Consolidated Class Action Complaint (“ACC”) and to set a briefing schedule for Defendants’ motion to dismiss such amended complaint. In support of this stipulation, the Parties state as follows:

WHEREAS, on April 7, 2014, Lead Plaintiff filed his ACC (Dkt. No. 65);

WHEREAS, Defendants Dynavax Technologies Corporation, Dino Dina, J. Tyler Martin, and Mark Kessel filed a Motion to Dismiss the ACC on June 6, 2014 (Dkt. No. 78);

WHEREAS, Defendants Symphony Capital Partners, L.P., Symphony Capital GP, L.P., Symphony GP, LLC, and Symphony Strategic Partners, LLC filed a Motion to Dismiss the ACC on June 6, 2014 (Dkt. No. 76);

WHEREAS, Lead Plaintiff filed his Opposition to Defendants’ Motions to Dismiss on August 8, 2014 (Dkt. No. 88);

WHEREAS, as a result of information Defendants provided to Lead Plaintiff and issues raised during the course of Defendants’ motions to dismiss the ACC, Lead Plaintiff wishes to amend the ACC;

WHEREAS, the Parties met and conferred via telephone and agree that, in the interests of the Parties and judicial economy, Lead Plaintiff should be permitted to amend the ACC and file a second amended consolidated class action complaint (the “Second Amended Complaint” or “SAC”), a redlined copy of which is attached as Exhibit A to the declaration of Richard W. Gonnello filed herewith, within two business days of an order from the Court permitting Lead Plaintiff to do so;

WHEREAS, the Parties agree that the hearing on the Motions to Dismiss the ACC currently scheduled for October 3, 2014 should be vacated, and that they will meet and confer on a new hearing date for the Motions to Dismiss the SAC, subject to the Court's availability;

WHEREAS, the Parties agree that Defendants' motion(s) to dismiss the SAC should be filed within 30 days of the filing of the SAC; Lead Plaintiff's opposition(s) to Defendants' motion(s) to dismiss the SAC should be filed within 30 days of the filing of Defendants' motion(s) to dismiss the SAC; and Defendants' reply(s) in support of their motion(s) to dismiss the SAC should be filed within 20 days of the filing of Lead Plaintiff's opposition(s) to Defendants' motion(s) to dismiss the SAC.

#### STIPULATION

NOW, THEREFORE, the Parties stipulate, subject to Court approval, as follows:

1. Lead Plaintiff shall file his Second Amended Complaint within two business days of an order from the Court permitting him to do so.

2. The hearing on the Motions to Dismiss the ACC currently scheduled for October 3, 2014 shall be vacated.

3. The deadline for Defendants to file their motion(s) to dismiss the Second Amended Complaint and all related papers shall be 30 days after the SAC's filing.

4. The deadline for Lead Plaintiff to file his opposition(s) to the Defendants' motion(s) to dismiss the Second Amended Complaint and all related papers shall be 30 days after the filing of the motion(s).

5. The deadline for Defendants to file their reply(s) in support of their motion(s) to dismiss the Second Amended Complaint and all related papers shall be 20 days after the filing of Lead Plaintiff's opposition(s).

1 Dated: September 2, 2014

**FARUQI & FARUQI, LLP**

2 By: /s/ Richard W. Gonnello  
3 Richard W. Gonnello

4 *Attorneys for Lead Plaintiff Khaled Khalafallah*

**COOLEY LLP**

5 By: /s/ Jeffrey M. Kaban  
6 Jeffrey M. Kaban

7 *Attorneys for Defendants Dynavax Technologies*  
8 *Corporation, Dino Dina and J. Tyler Martin*

**SHEARMAN & STERLING LLP**

9 By: /s/ Emily V. Griffen  
10 Emily V. Griffen

11 *Attorneys for Defendants Symphony Capital Partners,*  
12 *L.P., Symphony Capital GP, L.P., Symphony GP,*  
13 *LLC, and Symphony Strategic Partners, LLC*

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16  
17 **ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

18 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
19 document has been obtained from the signatories.

20 Dated: September 2, 2014

21 **FARUQI & FARUQI LLP**

22 /s/ Richard W. Gonnello  
23 Richard W. Gonnello

24 *Attorneys for Lead Plaintiff Khaled Khalafallah*

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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: September 8, 2014



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Hon. Charles R. Breyer  
United State District Judge